



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,312	08/18/2000	Ryuji Ishiguro	SONY-T0988	7225

22850 7590 04/28/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MOORTHY, ARAVIND K

ART UNIT	PAPER NUMBER
----------	--------------

2131

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/641,312

Applicant(s)

ISHIGURO ET AL.

Examiner

Aravind K. Moorthy

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 is/are allowed.
- 6) ☒ Claim(s) 12-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the amendment filed on 10 March 2005.
2. Claims 1-25 are pending in the application.
3. Claims 12-25 have been rejected.
4. Claims 1-11 have been allowed.

Response to Arguments

5. Applicant's arguments, see pages 2-8, filed 10 March 2005, with respect to claims 1-11 have been fully considered and are persuasive. The rejection of claims 1-11 has been withdrawn.
6. Applicant's arguments with respect to claims 12-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2131

7. Claims 12-14, 17-20 and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Wiser et al U.S. Patent No. 6,868,403 B1.

As to claims 12, 18, 24 and 25, Wiser et al discloses a transmitter device for transmitting a content to a receiver device comprising:

a memory configured to store a hash value of a content management data in relation to the content [column 13 line 30 to column 14 line 20];

communicating means for transmitting the content management data of the content and receiving a hash value calculated at the receiver device on the basis of the content management data from the receiver device [column 13 line 30 to column 14 line 20];

comparing means for comparing the check value in the storage and the check value transmitted from the receiver device [column 13 line 30 to column 14 line 20]; and

determining means for determining whether the content management data is tempered or not, on a basis of a result provided by the comparing means [column 13 line 30 to column 14 line 20].

As to claim 13, Wiser et al discloses that the content management data is changed when the content is used and the status of the content is changed [column 8 line 57 to column 9 line 25].

As to claims 14 and 20, Wiser et al discloses that the management data is changed when the content is used and the status of the content is changed [column 8 line 57 to column 9 line 25].

Art Unit: 2131

As to claims 17 and 23, Wiser et al discloses controlling means for controlling the communicating means to transmit the content to the receiver device when the determining means that the content management data has not been tampered with [column 13 line 30 to column 14 line 20].

As to claim 19, Wiser et al discloses that the content management data indicates an authorized usage of the content data [column 13 line 30 to column 14 line 20].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 15, 16, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al U.S. Patent No. 6,868,403 B1 as applied to claims 12 and 18 above, and further in view of Warren et al U.S. Patent No. 5,719,937.

As to claims 15 and 21, Wiser et al does not teach that the content management data is in accordance with at least one of a reproduction of the content, a copying of the content, and a movement of the content. Wiser et al does not teach that the content management data is at least one of a number of the reproduction of the content and a number of the copying of the content.

Warren et al teaches content management data that is in accordance with reproduction of the content [column 4, lines 30-52]. Warren et al teaches limiting a number of the reproduction of the content [column 4, lines 30-52].

Art Unit: 2131

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Wiser et al so that the certificate would have included a control tag to limit the number of reproduction of the content.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Wiser et al by the teaching of Warren et al because this scheme will thwart attempts by unauthorized tamperers (e.g. pirates) to defeat the system, and should be substantially imperceptible to the authorized user [column 1, lines 36-49].

Allowable Subject Matter

9. Claims 1-11 are allowed.

As to independent claims 1, 4, 5, prior art does not disclose, teach or fairly suggest storage means for storing a check value of calculated on the basis of the second data. Prior art does not disclose, teach or fairly suggest communication means which, in the authenticating of the receiver device, transmits the second data to the receiver device while receiving a check value calculated on the basis of the second data from the receiver device. Prior art does not disclose, teach or fairly suggest determination means which, in the authenticating of the receiver device, determines whether check value of the second data received by the communication means matches the check value of the second data stored in the storage means.

As to independent claims 6, 9 and 10, prior art does not disclose, teach or fairly suggest communication means which, in the authenticating of the transmitter device, receives, from the transmitter device, second data that describes a limitation on the usage of the first data while transmitting check value calculated on the basis of the second data

Art Unit: 2131

to the transmitter device. Prior art does not disclose, teach or fairly suggest a encrypted value generator means for generating the check value of the second data based on the second data received by the communication means, in the authenticating of the transmitter device, the check value for detecting whether the second data has been tampered with or not.

As to independent claim 11, prior art does not disclose, teach or fairly suggest the transmitter device comprising storage means for storing a check value calculated on the basis of the second data. Prior art does not disclose, teach or fairly suggest first communication means which, in the authenticating of the receiver device, transmits the second data to the receiver device while receiving a check value calculated on the basis of the second data from the receiver device. Prior art does not disclose, teach or fairly suggest determination means which, in the authenticating of the receiver device, determines whether the check value of the second data received by the communication means matches the check value of the second data stored in the storage means. Prior art does not disclose, teach or fairly suggest the receiver device comprising second communication means which authenticates the transmitter device. Prior art does not disclose, teach or fairly suggest receiving, from the transmitter device, second data that describes a limitation on the usage of the first data while transmitting the check value calculated on the basis of the second data to the transmitter device. Prior art does not disclose, teach or fairly suggest a encrypted value generator means for generating the check value of the second data based on the second data received by the communication means, in the authenticating of the transmitter device, the check value for detecting whether the second data has been tapered with or not.

Art Unit: 2131


Any claims not directly addressed are allowed on the virtue of their dependency.


Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy 
April 20, 2005


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100